

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DEVON JAY FINLEY,

Plaintiff,

v.

OKLAHOMA COUNTY SHERIFF'S  
OFFICE, THREE OKLAHOMA  
COUNTY SHERIFF'S OFFICE  
DEPUTIES, AGENTS, OFFICERS  
AND EMPLOYEES UNIDENTIFIED,

Defendants.

Case No. CIV-15-941-F

**REPORT AND RECOMMENDATION**

Plaintiff has filed both an Application to Proceed in District Court Without Prepaying Fees or Costs and an affidavit in support thereof [Doc. No. 2]. United States District Judge Stephen P. Friot referred the matter to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. § 636(b)(1)(B). Having reviewed said application, the undersigned finds Plaintiff has sufficient funds to prepay the filing fee of \$400. Because Plaintiff does not qualify for authorization to proceed without prepayment of the filing fee, the undersigned recommends the Court deny Plaintiff's application and order him to prepay the full \$400 filing fee for this action to proceed. 28 U.S.C. § 1915(a)(1).

The undersigned further recommends the Court dismiss this action without prejudice to refiling unless Plaintiff pays the \$400 filing fee in full to the Clerk of the Court within twenty days of any order adopting this Report and Recommendation.

The undersigned advises Plaintiff of his right to file an objection to this Report and Recommendation with the Clerk of this Court by October 5, 2015, in accordance with 28 U.S.C. § 636 and Fed. R. Civ. P. 72 and, further, that Plaintiff's failure to timely object to this Report

and Recommendation would serve to waive his right to appellate review of the factual and legal issues contained herein. *Moore v. United States*, 950 F. 2d 656, 659 (10<sup>th</sup> Cir. 1991).

This Report and Recommendation discharges the referral.

ENTERED this 21<sup>st</sup> day of September, 2015.



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BERNARD M. JONES  
United States Magistrate Judge